

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David G. Way  
Serial No.: 09/923,862  
Filing Date: August 6, 2001  
Group Art Unit: 2661  
Title: TUNABLE CHANNEL SPACING FOR  
WAVELENGTH DIVISION MULTIPLEXING  
(WDM) TRANSPORT SYSTEM

**RECEIVED****NOV 29 2002****Technology Center 2600**

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

*Willie Jiles*

Name

*11-25-02*

Date of Signature

Express Mail No. EV193177297US**INFORMATION DISCLOSURE STATEMENT**

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Copies of these references are enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. § 1.97(h), no representation is made that these references qualify as prior art or that these references are material to the patentability of the present application.

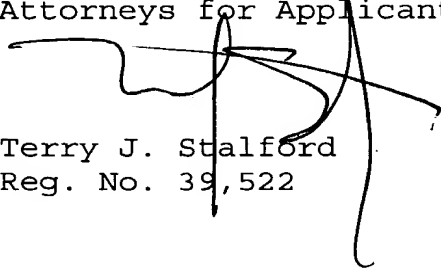
Enclosed is a copy of a PCT International Search Report identifying the references contained in this Information

Disclosure Statement. The PCT International Search Report has a mailing date of November 4, 2002. Therefore, I hereby certify that the references contained in this Information Disclosure Statement were cited for the first time in a communication from a foreign patent office in a related foreign application not more than thirty days prior to the filing of this Information Disclosure Statement. Furthermore, in the event a patent term adjustment is requested, pursuant to the requirements of 37 C.F.R. § 1.704, Applicants submit that the references contained in this Information Disclosure Statement were received from a foreign patent office in a related foreign application not more than thirty (30) days prior to the filing of this Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(c), Applicant believes that this Information Disclosure Statement has been filed before the mailing date of the first Office Action. Therefore, Applicant believes that no fee is due. However, if a fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Terry J. Stalford  
Reg. No. 39,522

2001 Ross Avenue  
Dallas, Texas 75201-2980  
(214) 953-6477

Date: November 25, 2002

PTO-1449	Application No. 09/923,862	Applicant(s) David G. Way	
	Docket Number 064731.0254	Group Art Unit 2661	Filing Date August 6, 2001

**Information Disclosure Citation  
In an Application**

**U.S. PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,938,309	08/17/99	Taylor	357	124	03/18/97
	B	6,175,586 B1	01/16/01	Lomp	375	130	03/26/99
	C	6,181,450 B1	01/30/01	Dishman et al.	359	124	05/12/98
	D	6,400,477 B1	06/04/02	Wellbrook	359	117	09/09/97
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						

**RECEIVED**  
NOV 29 2002  
Technology Center 2660

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							
	P							
	Q							

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	R	International Search Report in International Application No. PCT/US 01/41598, dated November 4, 2002, 6 pages.	November 4, 2002
	S		
	T		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

DAL01:708918.1

